

IN THE SENATE

SENATE BILL NO. 1311

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-121, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 49-236, IDAHO CODE, TO PROVIDE AN ENHANCED PENALTY; AND AMENDING SECTION 49-529, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-121, Idaho Code, be, and the same is hereby amended to read as follows:

49-121. DEFINITIONS -- T. (1) "Temporary supplemental lot" means a location other than the principal place of business, or supplemental lot within the same or adjacent county as the principal place of business, where a licensed dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten (10) days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, etc. Temporary supplemental lots shall meet all local zoning and building codes for the type of business being conducted. The requirements for a principal place of business shall not be applicable to temporary supplemental lot locations. The adjacent county restriction shall not apply if the dealer holds the franchise for the products to be displayed or sold and has approval from a manufacturer for the location where the proposed temporary supplemental lot license will be issued by the department. Nonfranchised dealers shall be permitted to temporarily display or sell their products within a one hundred seventy-five (175) mile radius of their principal place of business, upon approval by the department.

(2) "Texting" means the manual preparation for the transmission of written communication via a handheld wireless device while operating a vehicle on a public roadway or highway. "Texting" does not mean or include dialing a telephone number or using a voice-operated or hands free device that allows the user to view, prepare or transmit a text or voice communication without the use of either hand other than to activate or deactivate a feature or function of such device.

(3) "Tires" means:

- (a) Metal. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
- (b) Pneumatic. Every tire in which compressed air is designed to support the load.
- (c) Snow tire. Every rubber tire with tread design or material embedded in the tire to improve winter traction except studded tires.
- (d) Solid rubber. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

1 (e) Studded tire. Every tire with built-in lugs of tungsten carbide
2 or other suitable material designed to contact the road surface for im-
3 proved winter traction.

4 (34) "Traffic" means pedestrians, ridden or herded animals, vehicles,
5 streetcars and other conveyances either singly or together while using any
6 highway for purposes of travel.

7 (45) "Traffic lane" or "lane of travel" means that portion of the road-
8 way for movement of a single line of vehicles.

9 (56) "Traffic-control device" means any device, whether manually,
10 electrically or mechanically operated, placed or erected by authority of a
11 public body or official having jurisdiction, for the purpose of regulating,
12 warning or guiding traffic.

13 (67) "Trailer" means:

14 (a) General. Every vehicle without motive power designed for carrying
15 persons or property and for being drawn by a motor vehicle.

16 (b) Fifth-wheel trailer. A vehicular unit equipped in the same manner
17 as a travel trailer but constructed with a raised forward section that
18 allows a bi-level floor plan. This style is designed to be towed by a ve-
19 hicle equipped with a device known as a fifth-wheel hitch, which is typ-
20 ically installed in the bed of a pickup truck.

21 (c) Fold down camping trailer. A vehicular portable unit mounted on
22 wheels and constructed with collapsible partial side walls, which fold
23 for towing by another vehicle and unfold at the campsite to provide tem-
24 porary living quarters, for recreational, camping or travel use.

25 (d) Park trailer. A trailer designed to be towed by a motorized ve-
26 hicle, and of such size and weight as not to require a special highway
27 movement permit. It is designed for seasonal or temporary living
28 quarters and may be connected to utilities necessary for operation of
29 installed fixtures and appliances. It is built on a single permanent
30 chassis and constructed to permit set up by persons without special
31 skills.

32 (e) Pole trailer. Every vehicle without motive power designed to be
33 drawn by another vehicle and attached to the towing vehicle by means of
34 a reach or pole or by being boomed or otherwise secured to the towing ve-
35 hicle, and ordinarily used for transporting long or irregularly shaped
36 loads such as poles, pipes, or structural members capable, generally,
37 of sustaining themselves as beams between the supporting connections.

38 (f) Semitrailer. Every vehicle without motive power, designed for car-
39 rying persons or property and for being drawn by a motor vehicle and so
40 constructed that some part of its weight and that of its load rests upon
41 or is carried by the towing vehicle.

42 (g) Travel trailer. A vehicular unit, mounted on wheels designed to
43 provide temporary living quarters for recreational, camping, travel or
44 emergency use and of such size or weight as not to require special high-
45 way movement permits when towed by a motorized vehicle.

46 (h) Utility trailer. (See "Utility trailer," section 49-122, Idaho
47 Code)

48 (78) "Transitional ownership document" means a document used to per-
49 form a lien against creditors or subsequent purchasers when the primary own-
50 ership document is not available and the selling dealer, new security inter-

1 est holder or their agent, to the best of their knowledge, will not have pos-
 2 session of the primary ownership document, within thirty (30) days, and con-
 3 tains all of the following:

4 (a) The date of sale or if no sale is involved, the date the contract or
 5 security agreement being perfected was signed;

6 (b) The name and address of each owner of the vehicle;

7 (c) The name and address of each security interest holder;

8 (d) If there are multiple security interest holders, the priorities of
 9 interest if the security interest holders do not jointly hold a single
 10 security interest;

11 (e) The vehicle identification number;

12 (f) The name of the security interest holder or person who submits the
 13 transitional ownership document for the security interest holder; and

14 (g) Any other information the department may require for its records.

15 (~~89~~) "Transportation," for the purposes of chapter 22, title 49, Idaho
 16 Code, means the movement of any regulated quantity of hazardous material or
 17 hazardous waste within, through, or to any destination in this state upon the
 18 highways of this state.

19 (~~910~~) "Transporter" means every person engaged in the business of de-
 20 livering vehicles of a type required to be registered from a manufacturing,
 21 assembling or distributing plant to dealers or sales agents of a manufac-
 22 turer, except in chapter 22, title 49, Idaho Code, where it means any person
 23 who transports a hazardous material or hazardous waste within, through, or
 24 to any destination upon the highways of this state.

25 (~~101~~) "Truck" means:

26 (a) Refuse/sanitation. Any vehicle designed and used solely for the
 27 purpose of transporting refuse.

28 (b) General. Every motor vehicle exceeding eight thousand (8,000)
 29 pounds gross weight designed, used or maintained primarily for the
 30 transportation of property.

31 (c) Pickup truck. Every motor vehicle eight thousand (8,000) pounds
 32 gross weight or less which is designed, used or maintained primarily for
 33 the transportation of property.

34 (d) Truck camper. A portable unit constructed to provide temporary
 35 living quarters for recreational, travel or camping use, consisting of
 36 a roof, floor, and sides, designed to be loaded onto and unloaded from
 37 the bed of a pickup truck, and containing at least one (1) of the follow-
 38 ing facilities: stove; refrigerator or icebox; self-contained toilet;
 39 heater or air conditioner; potable water supply including a faucet and
 40 sink; separate 110-125 volt electrical power supply; or LP-gas supply.
 41 Truck campers originally constructed with an overall length of six (6)
 42 feet or longer shall be titled as provided in chapter 5 of this title 49.
 43 A truck camper does not include pickup hoods, shells or canopies.

44 (e) Truck tractor. Every motor vehicle designed and used primarily for
 45 drawing other vehicles but not so constructed as to carry a load other
 46 than a part of the weight of the vehicle and load so drawn.

47 (~~112~~) "True mileage driven" means the mileage of the vehicle as regis-
 48 tered by the odometer within the manufacturer's designed tolerance.

49 SECTION 2. That Section 49-236, Idaho Code, be, and the same is hereby
 50 amended to read as follows:

1 49-236. PENALTIES. (1) It is a misdemeanor for any person to violate
2 any of the provisions of this title except the provisions of chapter 3, other
3 than sections 49-301, 49-316, 49-331 and 49-332, Idaho Code, chapter 4 and
4 chapters 6 through 9 of this title, unless otherwise specifically provided.

5 (2) It is an infraction for any person to violate any of the provisions
6 of chapters 3, 4 and 6 through 9 of this title unless otherwise specifically
7 provided.

8 (3) Any offense punishable by imprisonment in the state penitentiary is
9 a felony.

10 (4) Punishments shall be as provided in sections 18-111, 18-112, 18-113
11 and 18-113A, Idaho Code, unless otherwise specifically provided.

12 (5) Whenever a person is arrested for any violation of the provisions of
13 this title declared to be a felony, he shall be dealt with in like manner as
14 upon arrest for the commission of any other felony.

15 (6) It is an infraction punishable by a fine of seventy-five dollars
16 (\$75.00) for any person to violate the provisions of either section 49-1229,
17 49-1232 or 49-1428, Idaho Code.

18 (7) If a person violates any provision of chapter 6, 7 or 8 of this ti-
19 tle while texting, as defined in section 49-121, Idaho Code, the infraction
20 penalty shall be one hundred dollars (\$100).

21 SECTION 3. That Section 49-529, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 49-529. MANDATORY REJECTION OR INVALIDATION OF TRANSITIONAL OWNER-
24 SHIP DOCUMENT BY DEPARTMENT. The transportation department shall reject,
25 return or subsequently invalidate a transitional ownership document if:

26 (1) More than thirty (30) days have elapsed between the date of sale,
27 or if no sale is involved, more than thirty (30) days have elapsed between
28 the date the contract or security interest being perfected was signed and the
29 date the transitional ownership document is received by the department;

30 (2) The transitional ownership document does not contain all of the in-
31 formation contained in section 49-121(78), Idaho Code;

32 (3) It is determined that persons named on the transitional ownership
33 document as having a security interest did not have a security interest on
34 the date the transitional ownership document was received;

35 (4) It is determined the person who submitted the transitional owner-
36 ship document made false statements in completing the transitional owner-
37 ship document;

38 (5) The department does not receive the primary ownership document from
39 the date of sale within ninety (90) days of the date of sale or if no sale
40 is involved, within ninety (90) days from the date the security agreement or
41 contract was signed;

42 (6) The security interest holder or person submitting the transitional
43 ownership document elects to retain, requests it be returned or requests
44 that the transitional ownership document be withdrawn; or

45 (7) The information on or in the transitional ownership document has
46 been changed or altered in a manner that is not acceptable to the department.